APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,469	04/23/2001	Rodger Williams	2400-667	1931

27820	7590	03/10/2006

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ART UNIT	PAPER NUMBER
3653	

DATE MAILED: 03/10/2006

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UNITED STATES PATENT AND TRADEMARK OFFICE

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GROUP 3600

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/840,469
Filing Date: April 23, 2001
Appellant(s): WILLIAMS ET AL.

Steven N. Terranova
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/25/05 appealing from the Office action

mailed 12/22/04.

In response to the remand of 2/10/06, all elements of the current Examiner's

Answer remain unchanged from the Examiner's Answer of 9/28/05, except that the

"Evidence Relied Upon" section has been changed to reflect the prior art used in the

final rejection.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial

proceedings which will directly affect or be directly affected by or have a bearing on the

Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection

contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is

correct.

(7) Claims Appendix

A substantially correct copy of appealed Claims 1, 4-9, 11-21 and 28-33 appears

on pages 15-19 of the Appendix to the appellant's brief. The minor errors are as

follows:

--Claims 1, 4-9, 11-21 and 28-33 do not have claim status identifiers per 37 CFR

1.121;

--Cancelled Claims 10 and 22-27 are not listed at all—cancelled claims should be

listed with a claim status identifier.

(8) Evidence Relied Upon

6,360,138 B1	Coppola et al	3-2002
6,763,376 B1	Devine et al	7-2004
6,338,008 B1	Kohut et al	1-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1, 4-9, 11-21 and 28-33 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Coppola et al (US 6,360,138 B1) in view of Devine et al (US

6,763,376 B1) and further in view of Kohut et al (US 6,338,008 B1).

Coppola discloses a fuel dispensing system (10) with graphics display (72) and a

browser (see col. 6, lines 66-67 and col. 7, lines 1-3.

Coppola does not expressly disclose, but Devine discloses an integrated

customer interface system (200) with a single display controller (see "Frame

NAT/Router) in figure 2.   Note that Applicant's display controller is equivalent to the

Frame NAT/Router, since it is taking the web information having a unique address and

directing it to either of the browsers by a unique port ID. This is how this system must

work.

Coppola does not expressly disclose, but Kohut discloses a fuel dispenser

having two points of sale on opposing sides of the dispenser.

Both Coppola and Devine are considered to be analogous because Coppola

describes a fuel dispenser with web browsers while Devine describes a single router

which services multiple browsers.

Both Coppola and Kohut are analogous art because they both concern fuel

dispensing.

At the time of the invention it would have been obvious to one of ordinary skill in

the art to have used a single router to direct web information from an application with a

particular address to one of several connected browsers with a unique port identifier on

a fuel dispenser having two points of sale, and therefore two browsers.

The suggestion/reason would have been to connect multiple browsers through a single router to the internet/web, as one ordinarily skilled in the art would recognize from figure 2.

The suggestion/reason for using two points of sale on a single fuel dispenser would have been to increase throughput of the fuel station, as one ordinarily skilled in the art would recognize.

Therefore, it would have been obvious to combine Coppola, Kohut and Devine in order to obtain the invention as described in Claims 1, 4-9, 11-21 and 28-33.

(10) Response to Argument

Applicant's arguments filed 7/25/05 have been fully considered but they are not persuasive. Applicant argues that there is no motivation to combine the references of Coppola, Devine and Kohut.

Applicant asserts that there is no explanation as to why connecting multiple browsers through a single router is desirable. However, as can be seen from figure 2 of Devine, it would have been clear to one ordinarily skilled in the art that a single frame router can be used to handle multiple browsers. One ordinarily skilled in the art would have recognized from the illustration that a single router could be used with each browser or two or more browsers could be used with a single router. Therefore, it would have been logical to use a single router to handle multiple browsers so as to eliminate the extra routers. See also Devine, col. 10, lines 20-57, which describes at line 35 that multiple machines can be operated from the same server.

Each browser is presented on a display (see again figure 2) which is connected

to the server through the router. The software to run the application resides on the

server. Again, see Devine, col. 10, line 35. This is the same structure as Applicant's

structure as illustrated in Applicant's figure 1, which shows server (36) and display

controller (40). See also Devine, col. 10, lines 20-30, which describes that either a

single server machine (called "vertical") can be used instead of multiple server

machines ("horizontal").

Alternatively, one ordinarily skilled in the art would recognize that it would have

been obvious to reside software for running an application on either the router itself, or

on a remote server, or the display/machine (CPU). The motivation to use any of these

schemes (vertical or horizontal) would have been to provide "scalablity" of the web

server. Regardless of where the application software resides, it must be controlled.

Also, the router can be construed as the display controller. This situation is much the

same as splitting a cable input for broadband cable through a router so as to provide

broadband cable input to multiple machines/displays. Such structures having the

application reside on a remote server or having the browser application run on a single

router can be construed to be functional equivalents to each other. The router is the

display controller and controls the sending of information to and from the

machine/display. This is how browser applications are run on multiple

machines/displays through a single router, through horizontal server scalability, for

example, as is well-known in the art.

Applicant's specification at p.7, lines 13-18 states that "the display controller runs browser applications for the respective browser displays (38) and ensures that requests for web content are associated with the proper browser display, if necessary, and directs web content to the proper browser display (38) upon receipt from the server (36)."

Applicants' specification at p.7, lines 23-27 indicate that "the server (36) typically runs a control application (36a) (see figure 4) and a web server application (36a) using the client-server model to control the display controller (40) and serve files that form web pages to the browser applications."

These two passages from Applicant's specification describe exactly the structure and functions of Devine's system, as has been described previously.   Again, see figure 2 of Devine. Note also that the Frame router and the Frame NAT/Router can be construed as the display controller as well.

Applicants asserts that there is no motivation to combine Coppola and Devine. However, as described above, it would have been obvious to one of ordinary skill in the art to have used Devine's teaching of using a router to split input/output from a single server to multiple displays. This is a logical step that one ordinarily skilled in the art would recognize would save extra cost and complexity of using multiple routers (display controllers).

It is well-known to those ordinarily skilled in the art that a central processing unit (CPU) having a processor and a memory, contains application software, such as a word-processor or browser software. The browser and other application software

causes the CPU to send signals to a display driver, the code that controls the display adapter card. This card is required to send information to the display. The adapter card takes signals passed to it from the display driver to digital to analogue converter circuits, one for red, blue and green. Once this signal is converted, it is then displayed by the monitor/display mechanisms in a human-readable format.

Applicants state in their specification at p. 13, paragraph 38, that

> "the display controller 40 will preferably include a CPU 74 including sufficient memory 76 for the software 78 and data 80 necessary for operation. Display drivers 82 are preferably provided in the display controller 40 for actually driving the browser displays 38. Those ordinarily skilled in the art will recognize that the display drivers 82 may also be incorporated in the browser displays 38, wherein the display controller 40 simply provides display information to the display drivers 82 to effectively display the content on the browser displays 38."

Applicants' display controller as described in figure 7, for example, is essentially a stand-alone computer with a monitor/display. Applicant discloses controlling several displays with one stand-alone computer.

Devine states at col. 4, lines 12-15, that a conventional browser (142) is used with workstation (140). This is construed as a typical computer workstation.

Applicants, in paragraph 38, and throughout their specification, appear to provide no particular reason for placing the display driver on the display controller versus the

browser displays themselves. As shown in Applicants' figure 7, a CPU (74) with

memory (76), software (78), data (80), communication interface (86) and user interface

(84) comprise Applicants' display controller. This display controller is called a display

controller, but is in essence, a computer, analogous to Devine's workstation with

browser. Such a browser can be conventionally implemented as either a stand-alone

system, with memory, cpu and software and communication interface, or be

conventionally implemented as a dummy terminal, with the CPU, memory, software and

communication interface located on another platform, such as a mainframe or a server.

Either way, both a conventional workstation system or dummy terminal system still

contains substantially the same structure, performing substantially the same functions in

substantially the same way as Applicants' system.

Kohut is simply used to obtain a teaching for using a fuel dispenser having two

points of sale on Coppola's single fuel dispenser. The motivation to one ordinarily

skilled in the art to do this is simply to increase throughput of the fuel station, as would

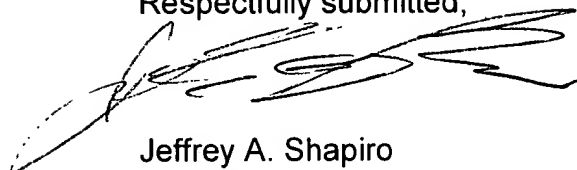have been logical for one ordinarily skilled to recognize given Kohut's teaching.

Therefore, it is suggested that the rejection of Claims 1, 4-9, 11-21 and 28-33 be

maintained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.
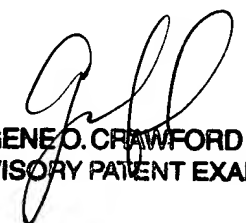
Respectfully submitted,

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Examiner
Art Unit 3653

September 22, 2005

GENE O. CRAWFORD
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